



# GENERAL ASSEMBLY

## COMMONWEALTH OF KENTUCKY

### 2013 REGULAR SESSION

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HOUSE BILL NO. 180

AS ENACTED

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TUESDAY, MARCH 12, 2013

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ALISON LUNDERGAN GRIMES  
SECRETARY OF STATE  
COMMONWEALTH OF KENTUCKY  
BY L. Adler

AN ACT relating to educator effectiveness and evaluation.

*Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

➔Section 1. KRS 156.557 is amended to read as follows:

(1) *As used in this section:*

(a) *"Formative evaluation" means a continuous cycle of collecting evaluation information and providing feedback with suggestions regarding the certified employee's professional growth and performance;*

(b) *"Local formative growth measures" means measures that are rigorous and comparable across schools in a local district;*

(c) *"Student growth" means the change in student achievement for an individual student between two (2) or more points in time including achievement on state assessments required per KRS 158.6453; and*

(d) *"Summative evaluation" means the summary of, and conclusions from, the evaluation data, including formative evaluation data that:*

*1. Occur at the end of an evaluation cycle; and*

*2. Include a conference between the evaluator and the evaluated certified employee and a written evaluation report.*

(2) *Prior to the beginning of the 2014-2015 school year, the Kentucky Department of Education, in consultation with the Kentucky teacher and principal steering committees and other groups deemed appropriate by the commissioner of education, shall develop a framework for a statewide personnel evaluation system.* The Kentucky Board of Education shall *promulgate administrative regulations to* establish *a statewide professional growth and effectiveness system for the purposes of supporting and improving* [standards for evaluation and support for improving] the performance of all certified school personnel. *The system shall promote the continuous professional growth and development of skills needed to be a highly effective teacher or a highly effective administrator in a school or*

district. The Kentucky Board of Education shall include parent surveys as a source of data once a valid and reliable survey tool becomes available for this purpose.

(3) The professional growth and effectiveness system shall:

(a) Use multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;

(b) Include both formative and summative evaluation components;

(c) Measure professional effectiveness;

(d) Support professional growth;

(e) Have at least three (3) performance levels;

(f) Be used to inform personnel decisions;

(g) Be considerate of the time requirements of evaluators at the local level and shall not require that all certified school personnel have a formal summative evaluation each year; and

(h) Rate teachers or administrators by multiple measures instead of a single measure.

(4){(2)} The performance criteria by{on} which teachers and administrators shall be evaluated shall include{,} but not be limited to:

- (a) Performance of professional responsibilities related to his or her assignment, including attendance and punctuality and evaluating results;
- (b) Demonstration of effective planning of curricula, classroom instruction, and classroom management, based on research-based instructional practices, or school management skills based on validated managerial practices;
- (c) Demonstration of knowledge and understanding of subject matter content or

- 1 administrative functions and effective leadership techniques;
- 2 (d) Promotion and incorporation of instructional strategies or management
- 3 techniques that are fair and respect diversity and individual differences;
- 4 (e) Demonstration of effective interpersonal, communication, and collaboration
- 5 skills among peers, students, parents, and others;
- 6 (f) Performance of duties consistent with the goals for Kentucky students and
- 7 mission of the school, the local community, laws, and administrative
- 8 regulations;
- 9 (g) Demonstration of the effective use of resources, including technology;
- 10 (h) Demonstration of professional growth;
- 11 (i) Adherence to the professional code of ethics; and
- 12 (j) Attainment of the teacher standards or the administrator standards as
- 13 established by the Education Professional Standards Board that are not
- 14 referenced in paragraphs (a) to (i) of this subsection.

15 ~~(5)(3)~~ The following provisions shall apply to the statewide professional growth  
 16 and effectiveness system~~[certified employee evaluation programs shall contain the~~  
 17 ~~following provisions]:~~

18 (a) ~~[Each]~~ Certified school personnel~~[employee]~~, below the level of  
 19 superintendent, shall be evaluated by using the~~[a]~~ system developed by~~[the~~  
 20 ~~local school district and approved by]~~ the Kentucky Department of  
 21 Education;~~[.]~~

22 (b) The~~[local]~~ evaluation system shall include formative evaluation and  
 23 summative evaluation components; and~~[.]~~

24 ~~[1. "Formative evaluation" means a continuous cycle of collecting~~  
 25 ~~evaluation information and interacting and providing feedback with~~  
 26 ~~suggestions regarding the certified employee's professional growth and~~  
 27 ~~performance.~~

1           2. ~~"Summative evaluation" means the summary of, and conclusions from,~~  
 2           ~~the evaluation data, including formative evaluation data, that:~~

3           a. ~~Occur at the end of an evaluation cycle; and~~

4           b. ~~Include a conference between the evaluator and the evaluated~~  
 5           ~~certified employee, and a written evaluation report.]~~

6           (c) The Kentucky Board of Education shall adopt administrative regulations  
 7           incorporating written guidelines for a local school district to follow in{  
 8           developing,} implementing[, and revising] the professional growth and  
 9           effectiveness[evaluation] system and shall require the following:

10          1. All evaluations of certified school personnel[employees] below the  
 11          level of the district superintendent shall be in writing on evaluation  
 12          forms and under evaluation procedures developed by a committee  
 13          composed of an equal number of teachers and administrators;

14          2. The immediate supervisor of the certified school personnel  
 15          member[employee] shall be designated as the primary evaluator. At the  
 16          request of a teacher, observations by other teachers trained in the  
 17          teacher's content area or curriculum content specialists may be  
 18          incorporated into the formative process for evaluating teachers;

19          3. All monitoring or observation of performance of a certified school  
 20          personnel member[employee] shall be conducted openly and with full  
 21          knowledge of the personnel member[employee];

22          4. Evaluators shall be trained, tested, and approved in accordance with  
 23          administrative regulations adopted by the Kentucky Board of Education  
 24          in the proper techniques for effectively evaluating certified school  
 25          personnel. Evaluators shall receive support and resources necessary to  
 26          ensure consistent and reliable ratings[employees and in the use of the  
 27          school district evaluation system];

1           5. The professional growth and effectiveness~~[evaluation]~~ system shall  
 2           include a plan whereby the person evaluated is given assistance for  
 3           professional growth as a teacher or administrator. The system shall also  
 4           specify the processes to be used when corrective actions are necessary in  
 5           relation to the performance of one's assignment; and

6           6. The training requirement for evaluators contained in subparagraph 4. of  
 7           this paragraph shall not apply to district board of education members.

8   ~~(6)~~~~[(4)]~~ (a) Each superintendent shall be evaluated according to a policy and  
 9           procedures developed by the local board of education and approved by the  
 10          department.

11       (b) The summative evaluation of the superintendent shall be in writing, discussed  
 12          and adopted in an open meeting of the board and reflected in the minutes,  
 13          and~~[-~~.

14       ~~(c) If the local board policy requires a written evaluation of the superintendent, it~~  
 15          ~~shall be~~ made available to the public upon request.

16       ~~(c)~~~~[(d)]~~ Any preliminary discussions relating to the evaluation of the  
 17          superintendent by the board or between the board and the superintendent prior  
 18          to the summative evaluation shall be conducted in closed session.

19       ~~(7)~~~~[(5)]~~ Local districts may submit a written request to use an alternative  
 20          effectiveness and evaluation system to the Kentucky Board of Education. The  
 21          Kentucky Board of Education shall consider and approve a local district's use of  
 22          an alternative effectiveness and evaluation system instead of the statewide system  
 23          only if the Kentucky Board of Education determines the alternative system~~[A~~  
 24          ~~local district may request from the Kentucky Department of Education a waiver~~  
 25          ~~from the guidelines and administrative regulations promulgated by the Kentucky~~  
 26          ~~Board of Education as required in subsection (3)(c) of this section in order to~~  
 27          ~~implement an alternative evaluation plan for employees on continuing contracts.~~

The department shall grant a waiver if the alternative plan provides for a three (3) phase certified employee evaluation plan that includes]:

- (a) Is as rigorous, reliable, valid, and educationally sound as the statewide professional growth and effectiveness system;
- (b) Uses multiple measures of effectiveness, including student growth data as a significant factor in determining the effectiveness of teachers and administrators, that utilize both state standardized tests and local formative growth measures that are rigorous and comparable across schools in a local district;
- (c) Includes both formative and summative evaluation components;
- (d) Measures professional effectiveness;
- (e) Supports professional growth;
- (f) Has at least three (3) performance levels;
- (g) Is used to inform personnel decisions;
- (h) Is considerate of the time requirements of evaluators at the local level and does not require that all certified school personnel have a formal summative evaluation each year; and
- (i) Rates teachers and administrators by multiple measures instead of a single measure.

[Phase One: Evaluation for Professional Growth.

- 1. Evaluation is based on a wide array of relevant sources and directed toward general and specific recommendations for improvement; and
- 2. Evaluation does not include documentation that might adversely affect employment status.

(b) Phase Two: Transition.

- 1. Evaluation is for the purpose of intensive scrutiny of job performance;
- 2. Evaluation includes documentation that may lead to adverse employment decisions;

1           3. ~~Assistance and support for improvement shall be provided by the school~~  
 2           ~~district; and~~

3           4. ~~Placement of an individual in the transition phase shall not be subject to~~  
 4           ~~appeal, but the employee shall be notified of the decision in writing.~~

5           (c) ~~Phase Three: Evaluation for Deficiency.~~

6           1. ~~Notwithstanding KRS 161.760, written notice of potential termination,~~  
 7           ~~reduction of direct classroom responsibility, or other adverse actions and~~  
 8           ~~conditions for job retention are given the employee;~~

9           2. ~~A clear time frame for proposed actions is provided the employee; and~~

10          3. ~~The summative evaluation is subject to appeal.~~

11          ~~An alternative plan for the evaluation of certified personnel shall be proposed to the~~  
 12          ~~Kentucky Department of Education if the local district evaluation committee is in~~  
 13          ~~support of the plan. Training necessary to implement the alternative plan shall be~~  
 14          ~~provided to the principals, supervisory personnel, and the employees to be~~  
 15          ~~evaluated. The local district shall provide support to implement the plan. The~~  
 16          ~~department shall provide technical assistance to districts wishing to develop~~  
 17          ~~alternative evaluation plans.]~~

18          (8) [(6)]   The Kentucky Board of Education shall establish an appeals procedure for  
 19          certified school personnel [employees] who believe that the local school district  
 20          failed to properly implement the [approved] evaluation system. The appeals  
 21          procedure shall not involve requests from individual certified school personnel  
 22          members [employees] for review of the judgmental conclusions of their personnel  
 23          evaluations.

24          (9) [(7)]   The local board of education shall establish an evaluation appeals panel for  
 25          certified school personnel that shall consist of two (2) members elected by the  
 26          certified employees of the local district and one (1) member appointed by the board  
 27          of education who is a certified employee of the local board of education. Certified

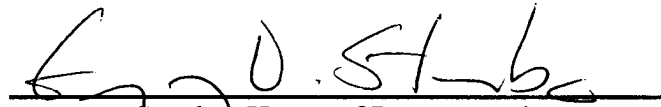
1 school personnel~~[employees]~~ who think they were not fairly evaluated may submit  
 2 an appeal to the panel for a timely review of their evaluation.~~[In districts that have~~  
 3 ~~adopted an alternative evaluation plan under subsection (4) of this section, the~~  
 4 ~~appeal shall only apply to the summative evaluation of Phase Three.~~

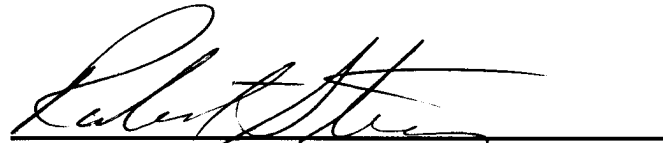
5 ~~(8) Local school districts with an enrollment of sixty five thousand (65,000) or more~~  
 6 ~~students shall have an evaluation system but shall be exempt from procedures or~~  
 7 ~~processes described in this section as long as the plan meets the standards~~  
 8 ~~established by the Kentucky Board of Education for local school district evaluation~~  
 9 ~~systems. The local plan shall include an appeals process for employees who believe~~  
 10 ~~they were not fairly evaluated.~~

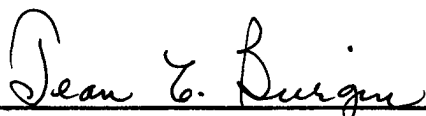
11 ~~(9) Between July 15, 2000, and June 30, 2001, each school district shall review its local~~  
 12 ~~evaluation system to assure that the system is working effectively and to make~~  
 13 ~~changes to improve its system.]~~

14 (10) ~~[Beginning with the 2001-2002 school year, and in subsequent years, ]~~The  
 15 Kentucky Department of Education shall annually provide for on-site visits by  
 16 trained personnel to a minimum of fifteen (15) school districts to review and ensure  
 17 appropriate implementation of the evaluation system by the local school district.  
 18 The department shall provide technical assistance to local districts to eliminate  
 19 deficiencies and to improve the effectiveness of the~~[their]~~ evaluation  
 20 system~~[systems]~~. The department may implement the requirement in this subsection  
 21 in conjunction with other requirements, including, but not limited to, the scholastic  
 22 audit process required by KRS 158.6455.

23 (11) The disclosure, pursuant to KRS Chapter 61, of any data or information,  
 24 including student growth data, that local school districts or the Department of  
 25 Education collect on individual classroom teachers under the requirements of  
 26 KRS 156.557 is prohibited.

  
Speaker House of Representatives

  
President of Senate

Attest:   
Chief Clerk of House of Representatives

Approved   
Governor

Date 3-21-13